REMARKS

In response to the final Official Action of March 25, 2010, claims 1, 20 and 29 have been amended. The claims have been amended to recite "establishing a first connection as a packet-switched connection between a first entity and a second entity, said establishing including determining transmission resources to be used or said first connection," and that the second connection is a circuit switched connection. Support for these amendments can be found in the application as filed (WO 2005/099294), including from page 23, line 14 to page 25, line 20, and Figure 1.

Claim Rejections - 35 USC §103

At section 7, claims 1, 4-9, 11-13, 18, 20-23, 28-29 and 31-38 are rejected under 35 USC §103(a) as anticipated in view of WO 00/49824, Naghian, in view of U.S. Patent 6,219,554, Eswara et al (hereinafter Eswara).

With respect to claim 1, it is asserted that Naghian discloses a method comprising checking whether QoS requirements of said first connection between said first entity and a second entity can still be guaranteed when transmission resources for a transmission between said first entity and a second entity are jointly used by said first connection and after establishment of said second connection, with said second connection, and controlling the use of at least one portion of said transmission resources by at least one of said first and second connections, with specific reference to page 6, lines 12-19 and 29-34 of Naghian. It is asserted that Naghian does not specifically disclose the checking before the request, but in an analogous art, the Office asserts that Eswara discloses checking before the request, with reference to the Abstract of Eswara. Therefore, it is asserted it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine this teaching for the purpose of avoiding delays to the user. Applicant respectfully disagrees.

Claim 1 has been amended to recite "establishing a first connection between a first entity and a second entity, said establishing including determining transmission resources to be used for said first connection, wherein the determining of transmission resources

further comprises checking, before a second connection between said first entity and said second entity has been requested, whether quality of service requirements of the first connection that exists between said first entity and said second entity can still be guaranteed when transmission resources for a transmission between said first entity and said second entity are jointly used by said first connection and, after establishment of said second connection, with said second connection." Therefore, as amended, claim 1 recites that checking whether the quality of service ("QoS") of the first connection can be guaranteed when the resource is jointly used by the first and second connections occurs while the first connection is being established. Both Naghian and Eswara fail to disclose this feature of the claim.

Naghian discloses a method for admission control in a cellular telecommunication system. Bearer requests resulting in the load being under a first predetermined limit are admitted. If a bearer request would result in the load being over the first predetermined limit, the admission control entity tries to make room for the bearer request, i.e. release resources without degrading the QoS provided for the existing bearers (see Abstract). For this purpose, an admission control entity calculates a result load estimate based on the current load and the bearer request, wherein the resulting load estimate comprises the transmission, i.e. interference powers, of both existing bearer and the new bearer(s) (see Naghian, page 6, lines 12-15). Because the estimate in Naghian is based in part on the "current load," it is clear that Naghian fails to disclose checking, while establishing the first connection (which in Naghian is the basis for the current load), whether QoS requirements of the first connection can still be guaranteed when there is also a second connection.

Eswara is directed to Dynamic Frequency Association ("DFA") techniques comprising "fixed channel allocation" ("FCA") and distributed channel borrowing techniques using a segregation scheme. The DFA technique can be used autonomously to dynamically determine the best channels for a cell cluster. Additionally, a method of minimizing search delays at channel assignment by employing a channel usage history is disclosed. Each cell is assigned its nominal channels, if any, from the available frequency spectrum, with a fixed radio assigned to each of these frequencies, respectively.

Additionally, each cell is equipped with one or more radios designated as "DFA radios." In operation, idle DFA radios scan channels that may be borrowed from other cells, for example, in order to build a probability matrix (Eswara, Abstract; column 2, lines 33-44).

Eswara fails to disclose when allocating resources to a first connection, checking whether the QoS of the first connection can be guaranteed when the resource is jointly used by the first and second connection. Rather, Eswara is directed to determining what channels are available at a particular cell site depending upon what channels are being used in adjacent sites. It is not seen how the availability of radio channels from adjacent cells has any suggestion with respect to modifying transmission resources between two entities when a second bearer request is made between these two entities, as disclosed in Naghian. It is therefore respectfully submitted that the cited references fail to disclose or suggest the limitations of claim 1 as amended.

Because amended independent claims 20 and 29 comprise similar subject matter to that of amended claim 1, it is respectfully submitted that claims 20 and 29 are also not obvious in view of Naghian and Eswara and are in allowable form.

Since each of the independent claims of the present application is believed to be allowable, it is respectfully submitted that the dependent claims thereto are also allowable at least in view of such dependency.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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Alfred A. Fressola
Attorney for Applicants
Registration No. 27,550

WARE, FRESSOLA, VAN DER
SLUYS & ADOLPHSON LLP
Building Five, Bradford Green
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955